

### REMARKS

Claims 1-22 are pending in this application. In response to the Examiner's Restriction Requirement set forth in the June 22, 2004 Office Action, Applicant provisionally elects for prosecution with traverse, species I illustrated in Figure 2 and claims 10-22 readable thereon.

As set forth in M.P.E.P. §806.04(a) and 37 C.F.R. §1.141, a reasonable number of species may be claimed in one application. Here, two species or embodiments are provided in Figure 2 and Figure 11. This cannot be deemed an unreasonable amount of species presented in a patent application. The Examiner's reconsideration of the requirement to restrict the application is respectfully requested.

Further, as set forth in M.P.E.P. §803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though the application contains claims to independent or distinct inventions.

While the non-volatile memory device and method disclosed in claims 1-22 and shown in Figures 2 and 11 may be distinct for the reasons set forth by the Examiner, it is respectfully submitted that simultaneous examination will not present an undue burden, much less any burden.

Under such circumstances, the Examiner is encouraged to maintain all claims in the same application (See M.P.E.P. §803).

An early and favorable consideration of this application is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael F. Morano".

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Michael F. Morano  
Reg. No. 44,952  
Attorney for Applicant(s)

F. CHAU & ASSOCIATES, LLC  
130 Woodbury Road  
Woodbury, New York 11797  
(516) 692-8888  
(516) 692-8889 (FAX)